

b.) Remarks

Claims 1-8 and 17-20 are pending in this application. Claims 1, 2, 4-6, 8, 17, 19, and 20 have been amended in various particulars as indicated hereinabove. Claims 9-16 have been cancelled.

Claims 1-8 were rejected under 35 U.S.C. 102(b) as being anticipated by Wolfgang (SPIE, Vol. 2906, Microrobotics: Components and Applications). Also, Claims 17-20 were rejected under 35 U.S.C. 102(b) as being anticipated by Wolfgang.

The pending rejections were premised on a certain definition of the word "attached" and an interpretation of the claims.

The foregoing amendments replace "attached" with --bonded--. They also make it clear that optical system aligner mechanically adjusts the relative positions of the optical components, which have been bonded to the optical benches by the pick-and-place machine.

These changes will moot arguments relating to the interpretation of the claims that form the basis for the pending rejections

On page 4 of the pending Supplemental Examiner's Answer contains a new rejection of the claims. Specifically, claims 17-20 were rejected under 35 U.S.C. 112, second paragraph as being indefinite.

The argument that claim 17 is indefinite is:

the invention. In the instant case, appellants have failed to disclose the identity of the corresponding structures that correspond to the means-plus-function limitations. That is, the corresponding structure is unclear to one of ordinary skill in the art reading the specification.

Claim 17 has the following means-plus-function limitation:

means for characterizing the positions of the optical components attached to the optical benches, and for mechanically adjusting the relative positions of the optical components attached to the benches.

The new rejection seems inconsistent when considered in light of the arguments presented in the Supplemental Examiner's Answer. Specifically, on page 9, the Supplemental Examiner's Answer provides:

where Wolfgang discloses structure that performs the claimed function. With respect to the claim 17 limitation of "means for characterizing the positions of the optical components attached to the optical benches," Wolfgang discloses (see Wolfgang, section 5.2) a reference collimated laser beam and an optical sensing that performs, which characterizes the positions of the optical components attached to the optical benches. Second, the examiner finds the system in Wolfgang functions in substantially the same way as the bonding system in Appellants' invention. In Appellants' invention, a laser and corresponding laser detector, which operates after bonding, is used to determine whether the component is properly aligned. (Appellants' specification, page 26, first paragraph and see generally Appellants' specification, page 19, fourth paragraph). In

Later on page 9 bridging to page 10, the Supplemental Examiner's Answer further provides:

aligned (Wolfgang et al., section 5.3, second full paragraph). While it is true that the characterizing system of Wolfgang does not function in exactly the same way as the characterizing system in the instant case, the examiner finds that the two systems still meet the test for equivalence under 35 U.S.C. 112, sixth paragraph as they both still function in substantially the same way. That is, it is the examiner's position that merely because Appellants'

In short the Supplemental Examiner's Answer outlined "the identity of the corresponding structures that correspond to the means-plus-function limitations".

It is the contention that one skilled in the art would possess the same level of insight as demonstrated in the Pending Answer.

Withdrawal of this rejection is requested.

Applicants believe that the present application is in condition for allowance. A Notice of Allowance is respectfully solicited. Should any questions arise, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,

By /grant houston/
J. Grant Houston
Registration No.: 35,900
Tel.: 781 863 9991
Fax: 781 863 9931

Lexington, Massachusetts 02421
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